

Interview Summary	Application No. 10/814,288	Applicant(s) YOSHIDA, NAOKI	
	Examiner James M. Hewitt	Art Unit 3679	

All participants (applicant, applicant's representative, PTO personnel):

(1) James M. Hewitt. (3)_____.

(2) Donald J. Lecher. (4)_____.

Date of Interview: 19 December 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 1, 18 and 20.

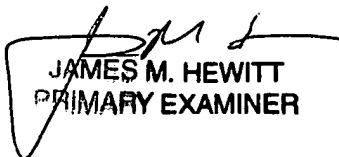
Identification of prior art discussed: Yoshida et al (JP 2003-021287).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In view of Applicant's arguments (see attached), it was agreed that the Yoshida et al reference does not anticipate claims 1, 18 and 20 under 35 USC 102(b) This will be subject to reconsideration upon formal filing of Applicant's remarks/arguments.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


JAMES M. HEWITT
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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 PTOL-413A (10-07)
 Approved for use through 10/31/2007. OMB 0651-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/814,288 First Named Applicant: Yoshida, Naoki
 Examiner: Hewitt, James M. Art Unit: 3679 Status of Application: Final

Tentative Participants:

(1) Hewitt, James M. (2) Donald J. Lecher, (Reg. No. 41,933)
 (3) _____ (4) _____

Proposed Date of Interview: TBD Proposed Time: TBD (AM/PM)

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>(See Continuation Sheet)</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

See Continuation Sheet Attached.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Donald J. Lecher
 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

Donald J. Lecher

Typed/Printed Name of Applicant or Representative

41,933

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Applicant proposes to discuss the following rejection and requests that the Examiner call Applicant's representative at 703-761-2824 to schedule a time to conduct a personal interview.

The 35 U.S.C. § 102(b) Rejection over Yoshida et al., JP 2003-021287

The Examiner alleges that Yoshida et al., JP 2003-021287, (Yoshida), teaches the invention of claims 1-20.

Applicant submits, however, that Yoshida does not teach or suggest:

"wherein a first distance in the axial direction of the plug between a plug contacting portion of the stopper and a plug contacting portion of the seal ring, is equal to or less than a second distance in the axial direction of the plug between an initial stopper contacting portion of the plug and an initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion," of independent claim 1:

"sliding said plug into said stopper such that after said seal ring reaches the radius portion of said plug, the stopper initially makes engaging contact with the plug," of independent claim 18; and

"wherein a first distance in the axial direction of the plug means between a plug means contacting portion of the stopper means and a plug means contacting portion of the seal ring means, is one of equal to and less than a second distance in the axial direction of the plug means between an initial stopper means contacting portion on said radius portion between said first taper portion and said flat portion," of independent claim 20.

First, Applicant responds to the Examiner's erroneous statement, "It is clear from the figures, which essentially mirror Applicant's figures in proportion and relative dimensions, the context of the invention and its intended function as well as common sense...."

Applicant contends that Yoshida's disclosure (JP 2003-021287) does not "essentially mirror" Applicant's disclosure and claimed invention as alleged by the Examiner. Applicant presents Exhibit A to accompany the following discussion to demonstrate that Yoshida's disclosure is not the same as the current claimed invention.

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Exhibit A

"...a first distance [D1] in the axial direction of the plug between a plug contacting portion of the stopper [A] and a plug contacting portion of the seal ring [B],...."

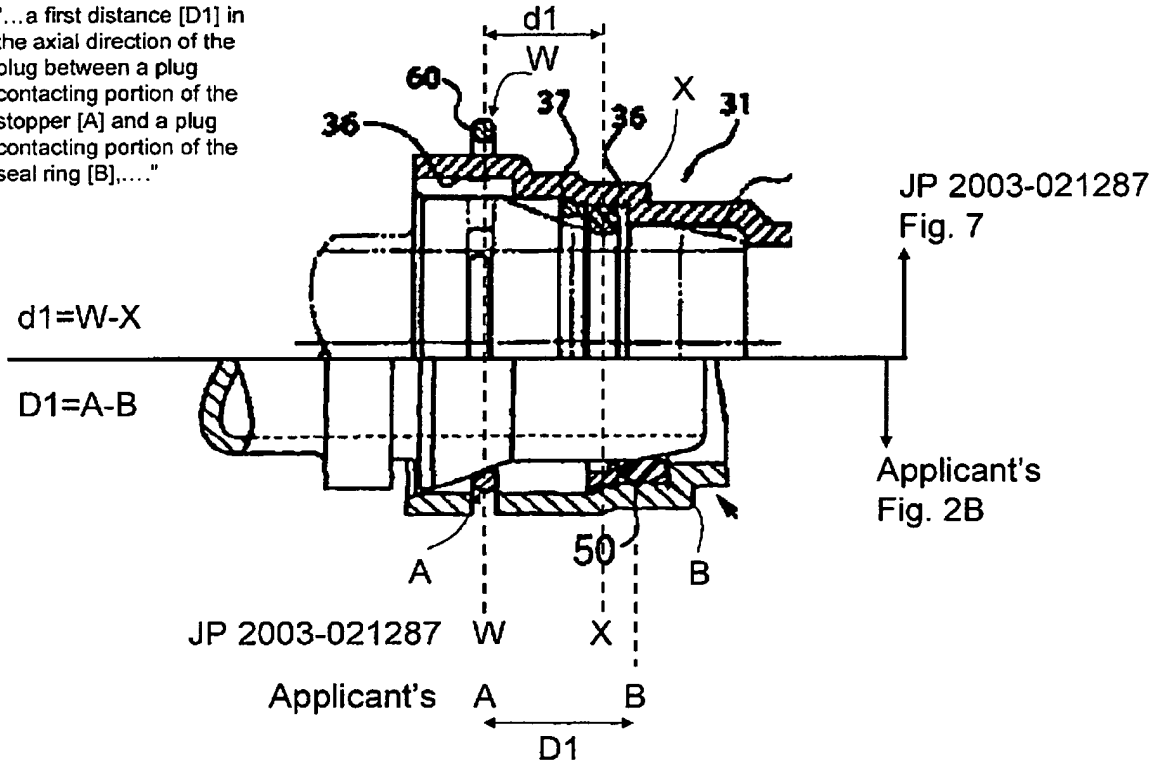


Exhibit A aligns proportional drawings of Yoshida and Applicant's inventions along the stopper position to demonstrate to the Examiner the difference in geometric proportions and relative dimensions of the two disclosures. d1 is defined at the distance between Yoshida's plug contacting portion of the stopper [W] and Yoshida's plug contacting portion of the seal ring [X]. D1' is defined at the distance between Applicant's plug contacting portion of the stopper [A'] and Applicant's plug contacting portion of the seal ring [B'].

The difference in length between Yoshida's distance d1 and Applicant's distance D1 is caused by the position of Applicant's seal ring 50 being located further away from the stopper than in Yoshida.

Therefore, Applicant's disclosure and claimed invention do not "essentially mirror" each other in both "proportion and relative dimensions" for the fundamental reasons that enable Applicant's claimed invention to function as claimed thereby clearly distinguishing it over Yoshida.

Secondly, Applicant responds to the Examiner's statement, "...the plug contacts the stopper initially on [the] tapered portion (24), and more than likely at the point

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indicated in Attachment X, possibly slightly closer to the intersection of taper portion (24) and flat (23).” Applicant presents Exhibit B to accompany the following discussion demonstrating that Yoshida’s disclosure fails to disclose and the Examiner is purely speculating as to Yoshida anticipating Applicant’s claimed invention.

Exhibit B

“...a second distance [D2] in the axial direction of the plug between an initial stopper contacting portion of the plug [C] and an initial seal ring contacting portion on a radius portion on the plug [D] between the flat portion and the first taper portion.”

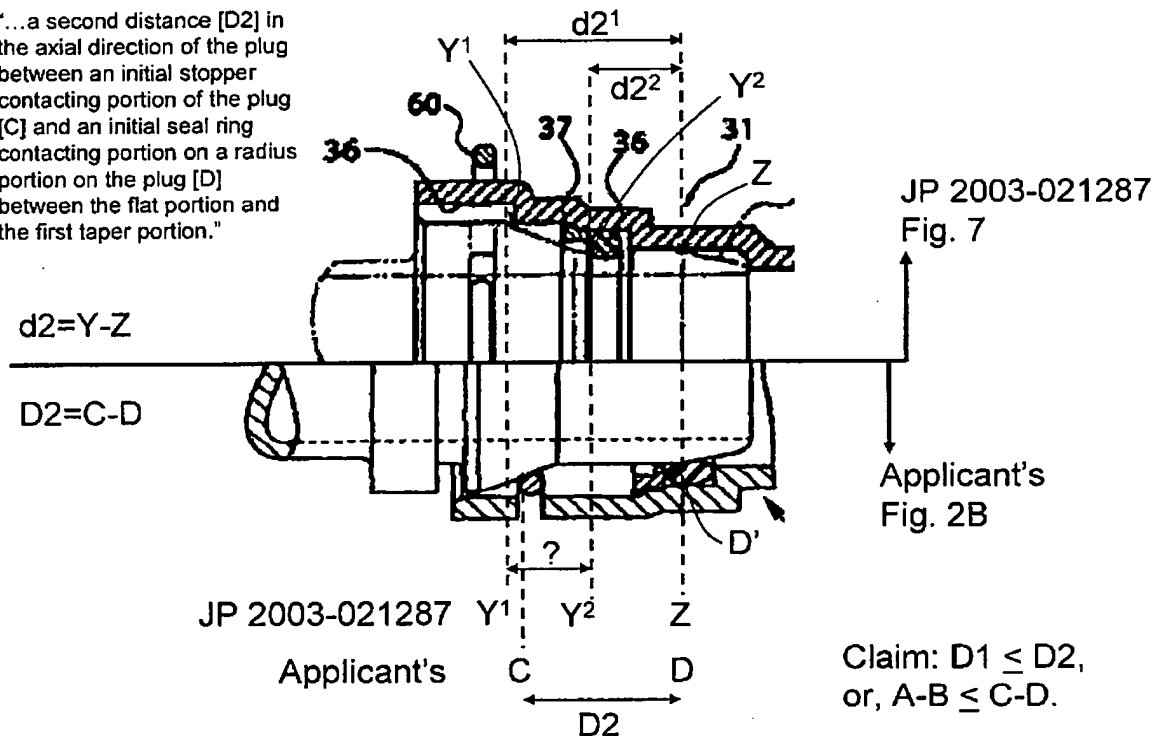


Exhibit B aligns proportional drawings of Yoshida (JP 2003-012287) and Applicant’s inventions along the radius portion on the plug between the flat portion and the first taper portion for assessing relative reference positions.

D2 is defined at the distance between Applicant’s initial stopper contacting portion of the plug [C] and Applicant’s initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion [D].

d2 is defined at the distance between Yoshida’s initial stopper contacting portion of the plug [Y¹] and [Y²] and Yoshida’s initial seal ring contacting portion on a radius portion [Z] on the plug between the flat portion and the first taper portion.

However, even though the Examiner alleges that Yoshida’s Figs. 2 and 6-12, and particularly Figs. 2 and 10, “show the radial axis of the stopper shown as intersecting the point on which the plug initially contacts the stopper,” the Examiner is purely speculating

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as to where the stopper initially contacts the plug since none of the figures of Yoshida show (1) the stopper at a point of initial engagement with the plug, and (2) neither do any of the figures of Yoshida show the relative location of the stopper with respect to the plug at any point before engagement with the plug to determine the approximate point of initially contact on the plug by the stopper. Thus Yoshida's initial point of engagement on the plug with the stopper is indeterminate for lack of sufficient disclosure.

Therefore, as demonstrated above in Exhibit B, the initial point of contact of the stopper on the plug is indeterminate and could be anywhere along the tapered portion of the plug defined by the distance between Y^1 and Y^2 . Consequently, the second distance $d2$ of Yoshida is indeterminate as well since $d2^1$ is dependent on Y^1 , and $d2^2$ is dependent on Y^2 .

Therefore, Yoshida fails to disclose Applicant's claimed invention of *second distance in the axial direction of the plug between an initial stopper contacting portion of the plug and an initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion*, since the initial stopper contacting portion of the plug of Yoshida has not been explicitly disclosed and is indeterminate from Yoshida's figures and specification.

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